

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE MARRIAGE OF:

CASE NO: 502012DR004621XXXXSBFX  
FAMILY DIVISION

DEBORAH CUMMINGS,

Wife/Petitioner,

and

MATTHEW CUMMINGS,

Husband/Respondent.

FILED 2  
2012 JUN -4 PM 3:41  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
FAMILY COURT

**WIFE'S MOTION TO STRIKE HUSBAND'S MOTION TO DISQUALIFY**  
**JUDGE MARTIN J. COLIN**

The Petitioner/Wife, DEBORAH CUMMINGS, by and through her undersigned counsel, in support of this Motion to Strike Husband's Motion to Disqualify Judge Martin J. Colin, states as follows:

1. On May 31, 2012, the Husband's counsel served his Motion to Disqualify Judge Martin J. Colin (correct name is Martin H. Colin). The certificate of service does not indicate service of the Motion by any method to Wife's counsel.
2. In fact, the Husband's Motion was only sent by U.S. Mail to Wife's counsel, thereby eliminating any earlier opportunity to respond.
3. The Husband's Motion to Disqualify Judge Martin J. Colin fails to include, as required by Rules of Judicial Administration 2.330 (c), the Respondent/Husband's certification of the Motion under oath or by separate affidavit. Additionally, the Motion does not have a separate certification by the Husband's attorney of record, certifying that the Motion and the client's statements are made in good faith.

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515 N. Flagler Drive, Suite 1125 • West Palm Beach, FL 33401 • Telephone: (561) 655-0535 • Facsimile: (561) 655-0536

4. Finally, the Savitt v. Gordon litigation is closed in Palm Beach County and does not appear to have any ongoing record activity in Broward County in case #06-14983.

5. Based on the above, the Husband's Motion to Disqualify Judge Martin J. Colin must be stricken.

WHEREFORE, the Wife, DEBORAH CUMMINGS, respectfully requests that the Court strike and/or deny the Husband's Motion to Disqualify Judge Martin J. Colin, and for any other relief the Court deems just and proper.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by fax and U.S. Mail to: Kim Marjenhoff, Esq., 333 N. New River Dr. E., Suite 2500, Ft. Lauderdale, FL 33301, this 4<sup>th</sup> day of June, 2012.

JACKNIN & JAGOLINZER  
Attorneys for Wife  
515 N. Flagler Drive  
Suite 1125  
West Palm Beach, FL 33401  
(561) 655-0535

BY: 

JAY R. JACKNIN  
Fla. Bar No.: 174058

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